

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JAAKOVIS FORD

PLAINTIFF

V.

NO. 4:15CV00182-MPM-JMV

INDUSTRIAL IRON WORKS, INC.
doing business as Adams Fertilizer Equipment

DEFENDANT

ORDER

Before the Court are Defendant's Motion [50] for preservation of evidence and Plaintiff's Motion [60] to compel responses to written discovery requests. Having reviewed the record of this case, the briefing of the parties, the applicable law, and having conducted a telephonic hearing, the Court rules as follows:

Motion for Preservation of Evidence

The motion is DENIED, and there will be no alteration or dismantling of the device as proposed or otherwise by any party at this stage in the litigation, particularly in view of the passage of time since the subject accident and Plaintiff's arguments that his ability to prove his claims are dependent upon the existing state of the design of the subject device. Furthermore, no person is to affix anything to the tabs claimed to reflect washer marks.

Motion to Compel

By the motion, Plaintiff asserts that certain of Defendant's responses to his Second Set of Requests for Production of Documents are inadequate and that objections to certain requests should be overruled. Despite the tardiness of the motion, the Court finds Plaintiff's motion to compel with respect to request for production number 1 is granted in part. Counsel for Defendant shall inquire of their client whether, to the best of the client's knowledge, any other

documents responsive to this request ever existed. And, if any such documents ever existed, Defendant shall state what happened to them. Defendant's supplemental response must be served within 5 days of this date.

With respect to responses to requests for production numbers 4 and 5, the motion is DENIED. After carefully considering the motion with respect to these responses, the Court finds the motion is made woefully late and in violation of L.U.Civ.R. 7. Furthermore, the requests themselves do not appear to necessarily seek the production of relevant documents. For example, request number 4 seeks "any designs of limit switch applications ever utilized on any conveyor manufactured by the defendant." What the particular design of a limit switch might be does not appear to be the relevant issue here. The same reasoning applies to request number 5.

The motion to compel is DENIED as moot in all other respects.

SO ORDERED THIS, the 6th day of October, 2016.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE